

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS ("FRISCO" OR "CITY"), ORDERING AN ELECTION PURSUANT TO THE CITY CHARTER TO BE HELD ON MAY 8, 2010, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF FRISCO CERTAIN PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER, TO BE HELD IN CONJUNCTION WITH THE JOINT GENERAL ELECTION ON MAY 8, 2010; DESIGNATING THE PLACES AT WHICH SAID ELECTION IS TO BE HELD AND SETTING FORTH THE ELECTION PRECINCTS WITHIN THE CITY; DESIGNATING THE COLLIN COUNTY ELECTIONS ADMINISTRATOR TO ADMINISTER THE ELECTION; ESTABLISHING COMPENSATION OF ELECTION JUDGES AND CLERKS; ESTABLISHING PROCEDURES FOR VOTING AND EARLY VOTING; PROVIDING FOR PUBLICATION AND POSTING OF NOTICE; AUTHORIZING THE CITY SECRETARY TO MAKE SUBMISSIONS TO THE UNITED STATES JUSTICE DEPARTMENT FOR PRE-CLEARANCE APPROVAL; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Frisco, Texas has, on its own motion, determined to submit to the qualified voters of Frisco ("Voters") for their adoption or rejection thereof certain proposed amendments to the existing Home Rule Charter of said City ("City Charter"), pursuant to the provisions of Section 9.004 of the Texas Local Government Code, and

WHEREAS, Frisco has complied with all notices and public hearings as required by law:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Election Order; Election Date; Purpose Of Election. That there is hereby ordered to be held in and throughout the City, an election ("Election") to be held on May 8, 2010, which is the first authorized uniform election date prescribed by the Texas Election Code that allows sufficient time to comply with the requirements of law and that occurs on or after the forty-fifth (45th) day after the date of the adoption of this Ordinance for the purpose of submitting certain proposed amendments to the existing City Charter of Frisco, as set forth in Section 3 of this Ordinance ("Proposed Amendments") to the Voters. Said Election shall be held in conjunction with the Joint General Election on May 8, 2010. Said Proposed Amendments shall be put forth to the Voters in the form of ballot propositions as set forth in Section 6 of this Ordinance.

SECTION 3: Proposed Charter Amendments. That at the Election, the Proposed Amendments to the City Charter, attached hereto as Exhibit "A" and incorporated as if fully set forth herein, shall be submitted to the Voters of Frisco in the form of ballot propositions as set forth in Section 6 of this Ordinance.

SECTION 4: Designation of Collin County Elections Administrator. The Collin County Elections Administrator ("Administrator") shall administer the Election, pursuant to the terms of a Contract for Elections Services between the Administrator and Frisco ("Contract").

SECTION 5: Voting System. Voting on the date of the Election, and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code ("Code"), as amended, so as to permit the electors to vote "Yes" or "No" on each individual proposition. Said ballots shall have printed therein such provisions, markings, and language as may be required by law, and the propositions shall be set forth on said ballots in substantially the form as set forth by Section 6 of this Ordinance.

SECTION 6: Official Ballot Propositions. The Proposed Amendments shall be set forth to the Voters on the ballots in the form of propositions set forth on Exhibit "B", which is attached hereto and incorporated as if fully set forth herein.

SECTION 7: City Precincts and Polling Places. The Election Day precincts and polling places where qualified voters shall cast ballots at such locations at the City, May 8, 2010 Special Municipal Election are as follows:

City Precinct One

Precincts 117, 119, 124, 137 &
140 (Denton Co.)

Polling Place

Pioneer Heritage Middle School
1649 High Shoals Drive
Frisco, Texas 75034

City Precinct Two

Precincts 30, 92, 111 & 177 (Collin Co.)

Staley Middle School
6927 Stadium Lane
Frisco, Texas 75034

City Precinct Three

Precincts 87, 101, 117, 118,
127, 134 & 146 (Collin Co.)

Wester Middle School
12293 Shepherds Hill Lane
Frisco, Texas 75035

City Precinct Four

Precinct 131 (Denton Co.)

Heritage Lakes Amenities Center
3949 Village Boulevard
Frisco, Texas 75034

Election polls shall be open from 7:00 a.m. until 7:00 p.m. on the date of the Election. In accordance with established and past practices for Frisco elections, the precincts of

Frisco include the incorporated area within the City limits, and shall include the area of all precincts established by the Denton or Collin County Commissioners' Courts for purposes of state and federal elections which is located within the incorporated area of the City.

SECTION 8: Early Voting. Early voting by personal appearance shall be available at Fire Station No. 4, 4485 Cotton Gin; Collin County Community College, Preston Ridge Campus, 9700 Wade Blvd.; Heritage Lakes Amenities Center, 3949 Village Boulevard; or at the Collin County Elections Office, 2010 Redbud Blvd. Suite 102, McKinney, Texas, beginning on Monday, April 26, 2010 through Tuesday, May 4, 2010 during the normal working hours of 8:00 a.m. to 5:00 p.m. with extended voting hours on Thursday, April 29, 2010 from 8:00 a.m. to 7:00 p.m., Saturday, May 1, 2010 from 8:00 a.m. to 5:00 p.m.; Monday and Tuesday, May 3, 2010 and May 4, 2010 from 7:00 am to 7:00 pm. Applications for ballot by mail shall be requested from and mailed to the Collin County Elections Administration Office, Attn: Elections Administrator, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069. Applications for ballots by mail must be received no later than the close of business on April 30, 2010.

The Presiding Election Judge and the Alternate Presiding Election Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board.

SECTION 9: Appointment Of Election Judge And Alternate Election Judge. The individuals appointed to serve as Presiding Election Judge and Alternate Presiding Election Judge at the Election will be the same individuals designated to serve for all elections occurring in the City on May 8, 2010, and these individuals shall be appointed by the Collin County Elections Administrator pursuant to the Contract. The Collin County Elections Administrator shall comply with all provisions of the Code when appointing these individuals.

SECTION 10: Appointment Of Clerks. The Collin County Elections Administrator shall appoint Election Clerks and as many additional clerks as are necessary for the proper conduct of the Election.

SECTION 11: Compensation Of The Election Judge And Election Clerks. The compensation of the Presiding Election Judge, Alternate Presiding Judge and Election Clerk(s) shall be as set forth in the Contract and in accordance with Section 32.091 of the Code.

SECTION 12: Method Of Voting. Direct Record Electronic (DRE) voting machines shall be used in this Election for early voting by personal appearance and Election Day voting. Optical-scan ballots shall be used for early voting by mail. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the Election in accordance with this resolution. Voting at the Election shall be conducted in accordance with the Code.

SECTION 13: Governing Law And Qualified Voters. The Election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the Election.

SECTION 14: Publication And Posting Of Notice Of Election. Notice of the Election shall be published at least once, no earlier than April 9, 2010 and no later than April 29, 2010, in the newspaper in accordance with Section 4.003(a)(1) of the Code. Additionally, notice shall be posted no later than April 19, 2002, in the regular place for posting notice of meetings of the City Council of the City, and shall remain posted continuously through Election Day, May 8, 2010.

SECTION 15: Submissions To The United States Justice Department. The City Secretary of Frisco, or her designee, is authorized to make such submissions as are necessary to the United State Justice Department to seek pre-clearance approval for additional length of the absentee voting period.

SECTION 16: Delivery Of Returns. In accordance with the Code, immediately after the closing of the polls on the day of the Election, the Election officers named in this resolution shall make and deliver the returns to the Election in triplicate as follows: one copy shall be retained by the Presiding Judge; one copy shall be delivered to the Mayor; and one copy of the returns together with the ballot boxes and all election supplies shall be delivered to the City Secretary. All election records and supplies shall be preserved by the City Secretary in accordance with the Code.

SECTION 17: Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code, any other state or federal law in carrying out and conducting the Election, whether or not expressly authorized herein.

SECTION 18: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 19: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FRISCO, TEXAS, on this _____ day of _____, 2010.

MAHER MASO, Mayor

ATTEST TO:

APPROVED AS TO FORM:

JENNY PAGE, City Secretary

ABERNATHY, ROEDER, BOYD
& JOPLIN, P.C.
COURTNEY A. KUYKENDALL
City Attorneys

Date of Publication: _____, Frisco Enterprise

EXHIBIT "A"

PROPOSED CHARTER AMENDMENTS

That at the Election the following Proposed Amendments to the City Charter shall be submitted to the Voters of Frisco. The Proposed Amendments are designated below in accordance with the ballot proposition number the amendment would appear as on the ballot:

PROPOSITION NO. 1

Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure, clarify meanings of terms and use consistent terminology, outline paragraph numbering, conform to requirements and/or provisions of state and/or federal law and/or City ordinances, and revise references to repealed or obsolete provisions of state law?

PROPOSITION NO. 2

Shall Sections 5.01 (2) (City Elections) of the Charter be amended to conform to the provisions and/or requirements of state and/or federal law?

SECTION 5.01 City Elections – Amended to read as follows:

...

(2) The regular City election shall be held annually on the ~~first~~second Saturday in May or such other date as required by the Texas Election Code. The City Council shall be responsible for specification of places for holding such elections.

...

PROPOSITION NO. 3

Shall Sections 3.01 (2), (3), and (4) (Composition), and 3.02 (Limitations on Terms) of the Charter be amended to provide for clarification on the election of the places held by Council Members and Mayor; providing that no person shall serve as Mayor for more than three (3) successive elected terms; providing that no person shall serve as Council Member for more than three (3) successive elected terms; providing for the transition of the City Council terms from two (2) consecutive terms to three (3) consecutive terms; providing that no person shall serve as Council Member and Mayor (combined) for more than eighteen (18) consecutive years; and providing that any Council Member or Mayor who is ineligible to run for office due to term limitations shall remain ineligible for a period of one (1) full term?

SECTION 3.01 Composition – Amended to read as follows:

...

(2) Terms of the Council Members shall be staggered so that every year there shall be an election for two (2) of the Places as follows: Places 1 and 3; Places 2 and 4; and Places 5 and 6. The Mayor shall be elected in the same year as Places 5 and 6.

~~(3) To initiate the three (3) year staggered terms, beginning with the May 2002 election, for Places 2, 4 and 6, there shall be a drawing of lots following the election to determine which two (2) Places shall receive two year terms and which one Place shall receive a three year term; thereafter all of said Places shall have three year terms; and for the May 2003 election, for Places 1, 3 and 5 there shall be a drawing of lots following the election to determine which one Place shall receive a two year term, and which two (2) Places shall receive a three year term; thereafter, all of said Places shall have three year terms. The Mayor shall have a three year term beginning with the May 2002 election.~~

~~(4) To account for the transition from three (3) consecutive terms to two (2) consecutive terms, any person who is a sitting Council Member on January 1, 2002 shall be allowed to serve three (3) consecutive terms as a Council Member, regardless of the length of the terms. The term the Council Member is currently filling as of January 1, 2002, and all terms consecutively served prior to that current term shall count for purposes of determining whether three (3) consecutive terms have been served.~~

SECTION 3.02 Limitations on Terms – Amended to read as follows:

No person shall serve as Mayor for more than ~~two (2)~~ three (3) consecutive elected terms, and no person shall serve as Council Member for more than ~~two (2)~~ three (3) consecutive elected terms. No person shall serve as a Council Member and Mayor (combined) for more than ~~twelve (12)~~ eighteen (18) consecutive years. For purposes of this Section 3.02 and computing the limitations on terms:

- (1) a Mayor or Council Member, who vacates, for any reason, City office before the end of the term for which he was elected, shall be considered to have completed that term.
- (2) an appointment or election to fulfill an unexpired Council Member term, or unexpired Mayor term if applicable, shall be computed as follows:
 - (i) if fifty percent (50%) or more of the term is remaining, it shall be included in the computation of term limits; or
 - (ii) if less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.

Any Council Member or Mayor, who is ineligible to run for elected City office due to the limitations on terms as provided herein, shall remain ineligible to hold an elected City office for a period of one (1) full term ~~ten (10) months~~ following the expiration of the most recent term of City office for which he or she was elected with the exception of a Council Member seeking the office of Mayor or the Mayor seeking the office of a Council Member.

To account for the transition from two (2) consecutive terms to three (3) consecutive terms, the term that each person on the City Council is currently filling, as of January 1, 2010, and all terms consecutively served prior to that current term shall count for purposes of determining whether three (3) consecutive terms have been served.

PROPOSITION NO. 4

Shall Section 3.07(4) (Powers of the City Council) and Section 4.02 (1) (City Secretary) of the Charter be amended to provide that the City Manager rather than the City Council shall appoint or remove the City Secretary?

SECTION 3.07 Powers of the City Council – Amended to read as follows:

...

(4) ~~Appoint and remove the City Secretary~~ Reserved.

...

SECTION 4.02 City Secretary -- Amended to read as follows:

(1) The City ~~Council~~ Manager shall appoint or remove, ~~without cause,~~ the City Secretary, ~~upon the affirmative vote of a majority of the full membership of the City Council.~~

(2) ~~The City Council shall fix the compensation of the City Secretary, and the City Secretary's compensation may be amended, from time to time, in accordance with the City Secretary's experience, qualifications and performance.~~

(3) ~~The City Secretary shall:~~

...

(G) Perform such other duties as may be required by the City Council Manager consistent with this Charter and the laws of the State of Texas.

PROPOSITION NO. 5

Shall Section 3.09(1) (Meetings of the City Council) of the Charter be amended to provide that the City Council may, in its sole discretion, determine to hold only one (1) regular monthly meeting two (2) months out of the calendar year?

SECTION 3.09 Meetings of the City Council – Amended to read as follows:

(1) The City Council shall hold at least two (2) regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City; provided,

however, the City Council may, in its sole discretion, determine to hold one (1) regular monthly meeting two (2) months out of the calendar year. The City Council shall fix by ordinance the date and time of the regular meetings.

...

PROPOSITION NO. 6

Shall Section 3.10 (Quorum) of the Charter be amended to clarify that if a certain percentage of affirmative votes to pass a measure to be approved by City Council is required, the number of affirmative votes must be measured against the entire qualified City Council, not just the number present and voting?

SECTION 3.10 Quorum - Amended to read as follows:

SECTION 3.10 Quorum and Voting

Four (4) Council Members shall constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present. If a certain percentage of affirmative votes to pass a measure is required, the number of affirmative votes must be measured against the entire qualified City Council, not just the number present and voting.

PROPOSITION NO. 7

Shall Section 4.06 (2) (F) (Personnel System) of the Charter be amended to require that the Personnel rules prepared by the City Manager and presented to the City Council for adoption shall include a procedure for the giving and receiving of gifts by City employees?

SECTION 4.06 Personnel System – Amended to add the following:

...

(2)

...

(F) Procedure for the giving and receiving of gifts by City employees.

PROPOSITION NO. 8

Shall Section 5.02 (2) (A), and (C) (Filing for Office) of the Charter be amended to provide that the candidates for elective City office shall be at least eighteen (18) years of age at the time of the election for which they are filing; and the required residency minimum for elective office be clarified to be for at least one (1) year immediately preceding the filing date?

SECTION 5.02 Filing for Office – Amended to read as follows:

...

2) Candidates for elective City offices shall meet the following qualifications:

(A) Shall be at least ~~twenty-one (21)~~ eighteen (18) years of age at the time of the election for which they are filing;

...

(C) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least one (1) year ~~twelve months prior to immediately preceding~~ the filing date;

...

PROPOSITION NO. 9

Shall Sections 6.02 (Petitions for Recall) and 6.13 (Initiative) of the Charter be amended to clarify petition signature requirements by qualified voters, designating the percentage of required signatures be at least thirty (30) percent of the number of votes cast at the last regular mayoral election, specifying that the requirements for information on each signer of the petition be as set forth in the Texas Election Code; and making the requirements for initiative petitions the same as in recall elections?

SECTION 6.02 Petitions for Recall – Amended to read as follows:

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing duties of City Secretary, which said petition must be signed by qualified voters of the City of at least thirty percent (30%) of the number of votes cast at the last regular City mayoral election, or one hundred and fifty (150), whichever is greater. Each signer of such signature on a recall petition shall conform to the requirements for information as set forth in the Texas Election Code, as amended ~~personally sign his or her name thereto in ink or indelible pencil, and shall write after his or her name his or her place of residence, giving the name of the street and number, or place of residence, and shall also write thereon the day, the month, and the year his or her signature was affixed.~~

SECTION 6.13 Initiative -- Amended to read as follows:

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City of at least thirty percent (30%) of the number of votes cast at the last regular City mayoral election, or one hundred and fifty (150), whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed, as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with the person performing the duties of City Secretary. Within twenty-one (21) days after the filing of such petition, the person performing the duties of

City Secretary shall present said petition and proposed ordinance or resolution to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held within thirty (30) days thereafter and/or on a date allowed under the Texas Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election. Any election order so issued shall comply fully with the Texas Election Code. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

PROPOSITION NO. 10

Shall Sections 9.01(1) (2) and (3) (Organization), 9.03 (Procedure), and 9.04 (The Comprehensive Plan: Procedure and Legal Effect) of the Charter be amended to clarify the establishment, qualifications and structure of the Planning and Zoning Commission and provide that the City Council may adopt by ordinance the procedures for appointment of members, length of member terms, meetings, and other operational matters of the Planning and Zoning Commission; clarifying that a majority of the voting Planning and Zoning Commission members shall constitute a quorum; and revising the procedure for the submission of rules and regulations adopted by the Planning and Zoning Commission to the City Council ?

SECTION 9.01 Organization – Amended to read as follows:

- (1) There is hereby established a Planning & Zoning Commission which shall consist of at least seven (7) members who shall be qualified voters of the City and appointed by the City Council to staggered terms ~~of two (2) years~~ in accordance with the then existing zoning ordinance. The length and number of terms shall be established in accordance with the then existing zoning ordinance. ~~The Commission members shall be qualified City voters. No member shall serve on the Commission for more than three (3) completed consecutive terms, exclusive of any unexpired term to which the member may have been appointed to fill due to a vacancy on the Commission. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. In July of each year, the Commission shall elect from its members a Chairman, Vice Chairman, and Secretary to serve for one (1) year beginning in that month. Members of the Commission may be removed, without cause, by an affirmative vote of a majority of the full membership of the City Council.~~
- (2) ~~The Commission shall meet at least once a month. The Commission shall keep minutes of its proceedings which shall be of public record. Minutes will be recorded by the Commission Secretary. The Commission shall serve without compensation.~~
- (3) ~~Four (4) voting Commission members shall constitute a quorum for the purpose of transaction of business. No action or recommendation of the Commission, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the Commission members present. The Chairman shall~~

~~not be considered a voting member of the Commission, except in the case of a tie, he or she shall cast the deciding vote, but shall have no power to veto.~~

...

SECTION 9.03 Procedure – Amended to read as follows:

- (1) ~~Each August, a~~All rules and regulations adopted by the Commission shall be forwarded in writing to the City Manager who shall submit them to the City Council with the City Manager's recommendations. The City Council may amend, adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Commission may modify them and submit such modified rules and recommendations to the City Council.

...

SECTION 9.04 The Comprehensive Plan: Procedure and Legal Effect – Amended to read as follows:

...

- (3) Following the adoption by the City Council of the Comprehensive Plan, and any revisions thereto, it shall serve as a guide to all future City Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal which deviates from the Comprehensive Plan regarding land use and development regulations shall not be authorized until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of denial, the Commission shall communicate its reasons to the City Council, which shall have the power to overrule such denial with a vote of three- fourths (3/4ths) of the Council Members present, or four (4) votes, whichever is greater, and upon such overruling, the City Council or the appropriate office, department or agency shall have authority to proceed.

PROPOSITION NO. 11

Shall Section 9.06 (Sale of Liquor Prohibited in Residential District) be added to the Charter to provide that the sale of liquor by a person holding a package store permit, as described by the Texas Alcoholic Beverage Code, is prohibited in any zoning district which allows, in whole or in part, residential development?

SECTION 9.06 Sale of Liquor Prohibited in Residential Districts – Added as follows:

SECTION 9.06 Sale of Liquor Prohibited in Residential Districts

The sale of liquor, as defined in the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described in the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the City.

PROPOSITION NO. 12

Shall Section 13.04 (Officers and Employees) be deleted from the Charter to remove an unnecessary transitional provision from the original adoption of the Charter which pertained to officers and employees who existed at the time of the original adoption of the Charter?

SECTION 13.04 Officers and Employees – Deleted as follows:

~~SECTION 13.04 Officers and Employees~~

~~Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.~~

PROPOSITION NO. 13

Shall Section 14.05 (Employee's Political Activities) of the Charter be amended to clarify that City employees are prohibited from contributing to, making, soliciting or receiving contributions for and participating in any campaign activities of a Council Member or Mayoral candidate rather than any other candidate for office?

SECTION 14.05 Employee's Political Activities – Amended to read as follows:

No person who holds any compensated non-elective City position shall make, solicit or receive any contribution for any candidate for ~~public office in the~~ Council Member or Mayor, or take part in the management, affairs or political campaign of such candidate. Such person may exercise his or her rights as a citizen to express his or her opinion and cast his or her vote.

PROPOSITION NO. 14

Shall Section 14.09 (No Officer to Accept Gifts, Etc.) of the Charter be amended to provide for revised prohibitions, requirements, and procedures related to the acceptance of gifts by City Officials?

SECTION 14.09 No Officer to Accept Gifts, Etc. – Amended to read as follows:

~~(1) No officer or employee of the City shall ever accept directly or indirectly any gift, favor, or privilege during the term of office of such officer, or during employment of such employee. No officer or employee is prohibited from engaging in the following activities:~~

~~(A) Attending social functions, ground breakings, or civic events pertinent to the public relations and operations of the City;~~

~~(B) Exchange gifts with his or her family and relatives;~~

~~(C) Receiving campaign contributions as provided for in the Texas Election Code;~~

~~(D) Exchanging gifts at church functions or City parties or functions where only City officers and employees and their families are invited or attend; or~~

~~(E) Exchanging gifts or receiving a bonus from his or her place of full-time employment.~~

~~(2) Any officer or employee of the City who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and may forthwith be removed from office or employment.~~

(1) A City Official shall not solicit, accept or agree to accept any Gift or benefit except as authorized in Subsection (3) below.

(2) For purposes of this Section, the words/phrases "City Official", "Gift", "Matter", "Official" and "Official Action" shall have the same definition as set forth in Ordinance No. 09-04-25, as it exists on the effective date of this Charter amendment.

(3) It is not a violation of Subsection (a) for a City Official to accept the following:

(A) a Gift to a City Official relating to a special occasion, such as a wedding, anniversary, graduation, birth, illness, death, or holiday, provided that the value of the Gift is fairly commensurate with the occasion and the relationship between the donor and recipient;

(B) payment by third parties for travel related expenses of a City Official previously authorized by the City Council;

(C) a public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion;

(D) a loan from a lending institution made in its regular course of business on the same terms generally available to the public;

(E) a scholarship or fellowship awarded on the same terms and based on the same criteria that are applied to other applicants;

(F) admission to an event in which the City Official is participating in connection with Official duties;

(G) lawful campaign contributions;

(H) attending social functions, ground breakings, or civic events pertinent to the public relations and operations of the City, including the receipt of a gift commensurate with the occasion;

(I) a City Official giving or receiving Gifts with his family and relatives;

(J) a City Official giving or receiving Gifts at church functions;

(K) a City Official giving or receiving Gifts at City parties;

(L) a City Official giving or receiving Gifts at functions where only City Officials and their employees are invited or in attendance;

(M) giving or receiving Gifts or receiving a bonus from the City Official's place of employment;

(N) admission or ticket(s) (including parking) to a City Official to an event held at any venue owned in whole or in part by the City;

(O) reasonable expenses paid by non-profit organizations, the Frisco Community Development Corporation or Frisco Economic Development Corporation for attendance of a City Official at a fund raising event or other meeting;

(P) reasonable expenses paid by other governments or governmental entities for attendance of a City Official at a convention, fact finding mission or trip or other meeting;

(Q) a City Official giving or receiving a Gift whose value does not exceed fifty dollars (\$50.00);

(R) a City Official giving or receiving a Gift in excess of fifty dollars (\$50.00) from a friend, client or customer if it cannot be reasonably inferred that the Gift was intended to influence the City Official. If the Gift is in excess of fifty dollars (\$50.00) and received within one (1) year of the date the donor, either personally or on behalf of another person or entity, seeks Official Action from the City in which the City Official is in a position to take Official Action, the City Official shall acknowledge the receipt of the Gift to the City; immediately refrain from further participation in the Matter, including discussions with any persons likely to consider the Matter; and remove himself from the dais or area in which the other City Officials who are voting on the measure are seated; and

(S) a City Official giving or receiving a Gift from a donor other than a friend, client or customer whose value is greater than fifty dollars (\$50.00) and less than two hundred fifty dollars and one cent (\$250.01) provided the City Official complies with the recusal and disclosure process described below:

(i) The Gift shall be disclosed by the City Official who received it to the City Secretary within thirty (30) days of receipt of the Gift. The disclosure of the Gift to the City Secretary shall be reported to the public as part of the City Secretary's report to the City Council at the next available City Council meeting. The information to be disclosed to the City Secretary is as follows:

(1) the date the Gift was received and who received it;

(2) a description of the Gift;

(3) the fair market value of the Gift at the time of its receipt; and

(4) the name, address, phone number and employer of the person or entity who provided the Gift.

(ii) From the date that the City Official knows or should have known that the donor who has made a Gift the subject of this subsection was presenting a matter, either personally or on behalf of another person or entity, in which the City Official

may take Official Action and such request is within one (1) year from the date of the Gift described above, the City Official shall:

- (1) immediately refrain from further participation in the Matter, including discussion with any persons likely to consider the Matter; and
- (2) remove himself from the dais or area in which the other City Officials who are voting on the measure are seated.
- (4) Application of Chapter 176, Local Government Code, as amended. Notwithstanding any gift to a City Official authorized in Section 3(b), a City Official shall comply with the requirements of Chapter 176, Local Government Code, as amended.
- (5) Gifts to Closely Related Persons. A City Official shall take reasonable steps to persuade a parent, spouse, child, stepchild, or other relative within the second degree of Consanguinity or Affinity not to solicit, accept, or agree to accept any Gift or benefit which would violate Subsection (a) if the Official solicited, accepted, or agreed to accept it.
- (6) Any City Official officer or employee of the City who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and may forthwith be removed from office or employment.

EXHIBIT "B"

BALLOT PROPOSITIONS

That at the Election the following ballot propositions shall be submitted to the Voters of Frisco:

PROPOSITION NO. 1

Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure, clarify meanings of terms and use consistent terminology, outline paragraph numbering, conform to requirements and/or provisions of state and/or federal law and/or City ordinances, and revise references to repealed or obsolete provisions of state law?

YES

NO

PROPOSITION NO. 2

Shall Sections 5.01 (2) (City Elections) of the Charter be amended to conform to the provisions and/or requirements of state and/or federal law?

YES

NO

PROPOSITION NO. 3

Shall Sections 3.01 (2), (3), and (4) (Composition), and 3.02 (Limitations on Terms) of the Charter be amended to provide for clarification on the election of the places held by Council Members and Mayor; providing that no person shall serve as Mayor for more than three (3) successive elected terms; providing that no person shall serve as Council Member for more than three (3) successive elected terms; providing for the transition of the City Council terms from two (2) consecutive terms to three (3) consecutive terms; providing that no person shall serve as Council Member and Mayor (combined) for more than eighteen (18) consecutive years; and providing that any Council Member or Mayor who is ineligible to run for office due to term limitations shall remain ineligible for a period of one (1) full term?

YES

NO

PROPOSITION NO. 4

Shall Section 3.07(4) (Powers of the City Council) and Section 4.02 (1) (City Secretary) of the Charter be amended to provide that the City Manager rather than the City Council shall appoint or remove the City Secretary?

YES
NO

PROPOSITION NO. 5

Shall Section 3.09(1) (Meetings of the City Council) of the Charter be amended to provide that the City Council may, in its sole discretion, determine to hold only one (1) regular monthly meeting two (2) months out of the calendar year?

YES
NO

PROPOSITION NO. 6

Shall Section 3.10 (Quorum) of the Charter be amended to clarify that if a certain percentage of affirmative votes to pass a measure to be approved by City Council is required, the number of affirmative votes must be measured against the entire qualified City Council, not just the number present and voting?

YES
NO

PROPOSITION NO. 7

Shall Section 4.06 (2) (F) (Personnel System) of the Charter be amended to require that the Personnel rules prepared by the City Manager and presented to the City Council for adoption shall include a procedure for the giving and receiving of gifts by City employees?

YES
NO

PROPOSITION NO. 8

Shall Section 5.02 (2) (A), and (C) (Filing for Office) of the Charter be amended to provide that the candidates for elective City office shall be at least eighteen (18) years of age at the time of the election for which they are filing; and the required residency minimum for elective office be clarified to be for at least one (1) year immediately preceding the filing date?

YES
NO

PROPOSITION NO. 9

Shall Sections 6.02 (Petitions for Recall) and 6.13 (Initiative) of the Charter be amended to clarify petition signature requirements by qualified voters, designating the percentage of required signatures be at least thirty (30) percent of the number of votes cast at the last regular mayoral election, specifying that the requirements for information on each signer of the petition be as set forth in the Texas Election Code; and making the requirements for initiative petitions the same as in recall elections?

YES
NO

PROPOSITION NO. 10

Shall Sections 9.01(1) (2) and (3) (Organization), 9.03 (Procedure), and 9.04 (The Comprehensive Plan: Procedure and Legal Effect) of the Charter be amended to clarify the establishment, qualifications and structure of the Planning and Zoning Commission and provide that the City Council may adopt by ordinance the procedures for appointment of members, length of member terms, meetings, and other operational matters of the Planning and Zoning Commission; clarifying that a majority of the voting Planning and Zoning Commission members shall constitute a quorum; and revising the procedure for the submission of rules and regulations adopted by the Planning and Zoning Commission to the City Council ?

YES
NO

PROPOSITION NO. 11

Shall Section 9.06 (Sale of Liquor Prohibited in Residential District) be added to the Charter to provide that the sale of liquor by a person holding a package store permit, as described by the Texas Alcoholic Beverage Code, is prohibited in any zoning district which allows, in whole or in part, residential development?

YES
NO

PROPOSITION NO. 12

Shall Section 13.04 (Officers and Employees) be deleted from the Charter to remove an unnecessary transitional provision from the original adoption of the Charter which pertained to officers and employees who existed at the time of the original adoption of the Charter?

YES
NO

PROPOSITION NO. 13

Shall Section 14.05 (Employee's Political Activities) of the Charter be amended to clarify that City employees are prohibited from contributing to, making, soliciting or receiving contributions for and participating in any campaign activities of a Council Member or Mayoral candidate rather than any other candidate for office?

YES

NO

PROPOSITION NO. 14

Shall Section 14.09 (No Officer to Accept Gifts, Etc.) of the Charter be amended to provide for revised prohibitions, requirements, and procedures related to the acceptance of gifts by City Officials?

YES

NO